

IN RE: Dual Party Relay ) ORDER RULING ON  
 ) REQUESTS

With regard to the request to utilize up to \$30,000 from the Fund for legal expenses, ORS states that real-time closed captioning of TV news broadcasts is currently funded by the Dual Party Relay Operating Fund through a proviso in the 2008-2009 Appropriations Act which authorizes funding for all expenditures directly related to real-time closed captioning up to \$810,000. The procurement process, begun by the Commission in 2004 and transferred to ORS in 2005, continues today. With approval from the South Carolina Attorney General's Office, ORS engaged third-party legal counsel to assist with on-going litigation regarding the procurement of services. In December, the South Carolina Procurement Review Panel will hear oral arguments from all parties related to the procurement of real-time closed captioning services.

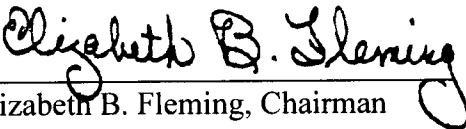
According to ORS, S.C. Code Ann. Section 58-9-2530 allows Dual Party Operating Funds to be used for the administration and expenses related directly to providing services to the deaf and hard-of-hearing citizens. S.C. Code Ann. Section 58-9-2520 identifies ORS as the administrator of the funding mechanism. ORS states that it has incurred legal expenses related to the proper and lawful procurement of real-time closed captioning. ORS notes that, upon Commission approval, it will expend legal fees related to the procurement of real-time closed captioning from the Dual Party Relay Operating Fund.

We have examined this matter, and we hereby authorize ORS to utilize up to \$30,000 from the Fund for legal expenses related to the litigation related to the procurement of real-time closed captioning services. Clearly the statutory law as stated by ORS allows the Fund to be used for administration and expenses related directly to providing services to the deaf and hard-of-hearing citizens of this State, and ORS is the administrator of the Fund. These legal expenses are related to the stated procurement, and ORS, as the administrator of the Fund, is entitled to use them for legal expenses in the real-time closed captioning procurement litigation.

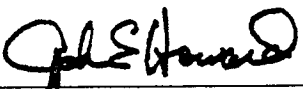
In addition, ORS has submitted its Dual Party Funding requirements for fiscal year 2008-2009. The budget request includes expanded program services, but does not call for any adjustment to the present \$0.15 access line charge. We have reviewed the proposed budget, and hereby approve it with the present \$0.15 access line charge remaining unchanged.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman

(SEAL)